

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No: T 1

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below.

I believe I am the original, first, and sole inventor (if only one name is listed), or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled Fence With Plugged Openings and Methods of Plugging Same the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I hereby certify that I have not and do not intend to file an application in another country, or under a multilateral agreement, where publication would occur at eighteen months.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint **Charles M. Kaplan**, Registration No. **19, 416**, a member of the bar of the Court of Appeals for the Federal Circuit, whose mailing address is **30 N. Nanagosa Trail, Suttons Bay, MI 49682**, telephone **(231) 271-6868**, as my attorney with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Full name of SOLE or FIRST Inventor - James M. Tyson

Citizenship - United States

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Inventor's Signature: ^{*} James M. Tyson Date: ^{*} 12/24/03